Remarks

Entry of this Amendment Under 37 C.F.R. § 1.116 is requested since it cancels claims and presents claim 2 in independent form.

Claims 1-4 and 6 are now pending. Claims 5 and 7-20 are now cancelled. Re-examination and reconsideration are requested.

The following headings reflect those used in the Office Action to which this document is responsive.

Election/Restriction

Applicant acknowledges the Examiner's comments on the traversal of the restriction requirement. The withdrawn claims are now cancelled without prejudice to their being prosecuted in a subsequent case.

Claim Rejections- 35 U.S.C. § 112

Claims 14, 19 and 20 are rejected under 35 U.S.C. § 112, first paragraph, because they " . . . contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention." To expedite prosecution, these claims are hereby cancelled without prejudice.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 5 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morrissey et al. (U.S. Patent No. 3,022,179). The Examiner states that Morrissey et al. has "overlapping ranges of components with the glass of the present invention." The Examiner is correct in noting that "the instant claims employ 'consisting essentially of' language". He states that "there is nothing of record to suggest that MgF_2 would materially affect the novel or basic characteristics of the present composition."

Morrissey et al. '179 requires a fluxing agent. Fluxing agents are defined in that reference as glass [network] modifiers which are able to [lower] the melting temperature. ('179 Patent, col. 2, lines 21-25). Lowering the melting temperature is what fluxes contribute to glass compositions. This is detrimental to the needed high melting points of the claimed sealing glass.

One of skill in the art would recognize that the addition of a fluoride ion at nearly 40 mol% (i.e. 2 x 23 mol% for the singly-charged fluoride ion, then renormalized) would have a significant effect in lowering the critical temperatures of the glass. Twenty-three (23) mol% MgF_2 is a high amount that would be detrimental to the needed high melting points of the claimed sealing glass.

In contradistinction, Applicant teaches away from Morrissey's disclosure in that Morrisey et al requires the use of fluxing agents. Thus, MgF_2 (as described by Morrissey et al.) would indeed "materially affect the novel or basic characteristics" of the claimed invention).

For these reasons, claim 1 cannot be said to be obvious over Morrissey et al.

To expedite prosecution, claims 5 and 13 are hereby cancelled without prejudice.

Allowable Subject Matter

Claim 2 is objected to as being dependent upon a rejected base claim. The Examiner stated that claim 2 would be allowable if rewritten in independent form. That action has been taken in this Amendment.

Claims 3, 4, and 6 stand allowed. All remaining claims are patentable for the reasons set forth above.

All formal and substantive requirements of patentability are now met. Accordingly, a Notice of Allowance of all pending claims is respectfully requested. If a telephone call would expedite prosecution, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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